United Nations A/AC.182/2017/L.2

General Assembly

Distr.: Limited
24 February 2017

Original: English

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
21 February-1 March 2017

Draft report

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II. Maintenance of international peace and security

A. Introduction and implementation of sanctions imposed by the United Nations

1. Reference was made to the question of the introduction and implementation of sanctions imposed by the United Nations (see General Assembly resolution 64/115, annex) during the general exchange of views held at the 284th and 285th meetings of the Special Committee, on 21 and 22 February 2017, and at the 1st meeting of the Working Group of the Whole.

2. During the general exchange of views, many delegations reiterated their concern regarding sanctions imposed by the Security Council. It was re-emphasized that sanctions should not be used as blunt instruments designed to punish the population of the target country and that they could not be used as a response to all violations of international obligations.

3. Several delegations emphasized that sanctions should be introduced and applied in conformity with the provisions of the Charter and international law. It was reiterated that they should be imposed only as a last resort when there existed a threat to international peace and security, a breach of the peace or an act of aggression. Several delegations asserted that the objectives of sanctions regimes for a target country should be clearly defined, based on tenable legal grounds and imposed for a clear period, and that sanctions should be promptly lifted when there were no longer grounds for having them. Some delegations also reaffirmed their concern about the imposition of unilateral sanctions in violation of international law.

4. Other delegations reaffirmed that sanctions, applied in accordance with the Charter and in a targeted fashion, were an important instrument for the maintenance and restoration of international peace and security. It was also reiterated that the

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shift from comprehensive to targeted sanctions had reduced the possibility of adverse consequences for civilian populations and third parties.

5. Several delegations welcomed the institution of regular briefings by the Secretariat on the document entitled "Introduction and implementation of sanctions imposed by the United Nations" (resolution 64/115, annex), which had been adopted on the basis of the work of the Special Committee. It was noted that in recent years sanctions committees had organized meetings and open briefings to hear concerns and suggestions from Member States, which had increased transparency.

6. With regard to special economic problems arising from the implementation of sanctions, several delegations expressed the view that the question of the implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII (Article 50 of the Charter of the United Nations) should not be removed from the agenda of the Committee. Other delegations noted that the issue had been effectively dealt with through the employment of targeted sanctions and no longer merited further discussion in the Special Committee.

Briefings

7. At its 1st meeting, the Working Group of the Whole received a briefing by a representative of the Department of Political Affairs on the document entitled "Introduction and implementation of sanctions imposed by the United Nations", annexed to resolution 64/115, as requested by the General Assembly in paragraph 4 of its resolution 71/146 and paragraph 3 of the annex thereto. The representative provided information on the elements of the document and responded to questions raised. In particular, the representative provided general information about United Nations sanctions regimes and discussed the role of the sanctions committees and expert panels in the implementation of sanctions; recent developments in the application of sanctions; and avenues for greater information-sharing among Member States on the implementation of United Nations sanctions regimes. The representative indicated that all information presented was available on the website of the subsidiary organs of the Security Council.[1]

8. Many delegations expressed their appreciation for the briefing. Delegations welcomed the efforts made to enhance the fairness and transparency of the procedures regarding sanctions and to increase the knowledge base among delegations. The work of the Ombudsperson was also commended.

9. Several delegations encouraged the Secretariat to further improve communication and knowledge-sharing on sanctions with delegations, as well as to increase the opportunities for training and capacity-building. The Secretariat was also asked to clarify the differences between the delisting procedures of the Ombudsperson and the Focal Point for Delisting. The representative from the Department of Political Affairs indicated that Member States were welcome to contact the Department when information and support on the sanctions issue were needed. He noted that a review of delisting procedures fell within the prerogative of the Security Council.

10. The Secretariat was also requested to carry out research with regard to the reasons for the imposition of sanctions, as well as their unintended socioeconomic consequences. The representative of the Department of Political Affairs indicated that the imposition of sanctions fell within the prerogative of the Security Council and was managed by individual sanctions committees and their respective expert panels when mandated by the Council to do so. It was also suggested that the

[1] https://www.un.org/sc/suborg/.

Secretariat study the impact of unilateral sanctions and whether they had been adopted in compliance with international law. The representative of the Department indicated that this was a question for Member States and noted that there was a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. The view was subsequently expressed that, in terms of impact, the system of special procedures of the Human Rights Council, under which the Special Rapporteurs were appointed, was different from that of the sanctions committees in the United Nations framework.

11. A number of delegations raised operational issues relating to the profile of experts, the measures taken to ensure humanitarian access and the interaction with regional monitoring bodies. The representative of the Department of Political Affairs indicated that experts should display subject matter expertise, emphasizing that investigative skills were an asset, that humanitarian exemptions were provided for and managed by the relevant sanctions committee, and that the Secretariat increasingly interacted with regional monitoring bodies with regard to the implementation of sanctions.